

Nov. 24, 2008: Kazakhstan: USCIRF Concerned Over Draft Religion Law and Kazakh Government's Refusal to Make Public Drafts and Critiques

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WASHINGTON—The United States Commission on International Religious Freedom is deeply concerned over a draft law that gravely threatens freedom of religion in Kazakhstan in the latest, disturbing signal of tightening restrictions on human rights in the Central Asian country. The current, unpublished version of the law does not reflect most key points challenged in public discussion inside Kazakhstan or points conveyed by the Commission in press releases, conversations, or meetings with Kazakh officials over the past several months, including last week. While an expert team from the Organization on Security and Cooperation in Europe will be in Kazakhstan this week to analyze the latest draft—just as the country's parliament will be voting on the final draft—the Kazakh government so far has refused to make public either the latest draft or the reportedly extensive OSCE critiques of it.

Commission Chair Felice D. Gaer met with Kazakh representatives in October in Warsaw, where issues of concern were raised. Commissioner Imam Talal Eid and Commission staff met with a Kazakh delegation in Washington last week to discuss the draft law. While the delegation members, including members of parliament and an official from the presidential administration, listened to Commission concerns, they did not provide the Commission access to the draft law or to critiques by the OSCE's Office for Democratic Institutions and Human Rights. Several delegation members claimed that the OSCE's responses to the draft law had been "generally positive," but that assessment is not shared outside Kazakhstan, not to mention by the religious communities most affected. In fact, there is growing concern over the deteriorating human rights situation in Kazakhstan, including alarming restrictions on the freedoms of expression and association and weakening rule of law. The government is assuming ever greater and more arbitrary powers at the expense of citizens' rights; some advocates see the regressive religion law as an emblem of this disturbing trend.

"As an incoming OSCE Chair in 2010, Kazakhstan should strive to be like Caesar's wife: above criticism or complaint with regard to its human rights record. Unfortunately, that is not the direction in which events are moving, as illustrated by the opaque style with which the religion law is being handled. At a minimum, it should accord more attention

to OSCE's substantial expertise in assessing how legislation comports with participating states' obligations under international accords," Gaer said.

The current draft will come to a vote in the upper chamber of parliament this week before going to the Kazakh president for signature. It reportedly will introduce more restrictive registration requirements for all religious groups, reduce the number of religious communities permitted to operate in Kazakhstan, and increase the penalties for members of unregistered communities. It will also increase the minimum number of members of religious organizations necessary to register from 10 to 50. According to the law, unregistered religious communities could not teach or profess their religion, own property, or rent public space for religious activities.

While the latest version of the law reportedly dropped the requirement that religious communities annually submit detailed statistical data on their activity to the government, it still requires that registered communities provide unspecified information to the authorities every year so as to maintain legal status, and it sets no time limits on executive agency's responses to registration requests. In addition, the latest draft version of the law no longer gives judges any flexibility in setting fines for those found to have violated the religion law. A ban on charitable activity linked to religion that "exploits the material needs of citizens" may be used to make faith-based humanitarian work impossible.

On Nov. 21, the OSCE issued a formal request to the Kazakh government that it make public its review of the draft religion law. Previous such requests have been ignored.

"Surely that is not too much to ask of a country that will chair that OSCE in 2010," Gaer said. "No matter what the outcome of the legislative process, the Commission will watch closely as the law is implemented and as we prepare to make further recommendations on human rights including freedom of thought, conscience, and religion or belief."